

Docket N .: PF-0442-2 RCE

*Received 7/25/03*

Response Under 37 C.F.R. 1.116 - Expedited Procedure  
Examining Group 1642

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By: Diane Kizer Printed: Diane Kizer

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fisher et al.

Title: CYCLIC GMP PHOSPHODIESTERASE

Serial No.: 09/802,741

Filing Date: March 8, 2001

Examiner: Huff, S.

Group Art Unit: 1642

Mail Stop: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT FILED WITH  
REQUEST FOR CONTINUED EXAMINATION (RCE) REQUEST  
UNDER 37 CFR 1.114

Sir:

The present application is a Request for Continued Examination (RCE) application of U.S. Application Number 09/802,741 (the '741 application), filed March 8, 2001. A Final Office Action was issued by the USPTO on April 24, 2003. Applicants hereby request that the Office not enter the amendments requested by Applicants in their response submitted June 3, 2003 in response to the April 23, 2003 Final Office Action. This paper is responsive to the Final Office Action dated April 24, 2003. Authorized fees include the application fee of \$750.00.

Please enter this Preliminary Amendment prior to examination of the instant application. Applicants respectfully request that the Examiner continue to examine the invention of Group II, which includes currently pending claims 3, 6-8, 11, 23, and new claim 53 (drawn to polynucleotides and compositions containing them) in this new RCE application, and that claims 13-15, 20-21 (drawn to methods of making and using the polynucleotides) (currently

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**withdrawn) be rejoined and considered along with new claim 52 upon allowance of any of the product claims.** Applicants request that the application be reconsidered in view of the following amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims which begin on page 3 of this paper.

**Remarks** begin on page 7 of this paper.